



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, २८ अप्रैल, १९६६/८ वेंशाख, १८८८

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT NOTIFICATIONS

Simla-4, the 25th April, 1966

No. 6-1/66-LR.—In pursuance of sub-rule 2 of rule 157 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 read with section 25 of the Government of Union Territories Act, 1963 (No. 20 of 1963) "The Himachal Pradesh Anatomy Bill, 1966 (Bill No. 4 of 1966)" as passed by the Legislative Assembly of the Himachal Pradesh having received the assent of the President on 30th March, 1966 is published as Act No. 4 of 1966 in the Himachal Pradesh Government Gazette for general information.

THE HIMACHAL PRADESH ANATOMY ACT, 1966

(ACT No. 4 OF 1966)

AN

ACT

to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for therapeutic purposes or for the purpose of anatomical examination, dissection, surgical operation and research work.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventeenth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Himachal Pradesh Anatomy Act, 1966.

(2) It extends to the whole of the Union territory of Himachal Pradesh.

2. Definitions.—In this Act, unless the context otherwise requires—

- (1) “approved institution” means a hospital or a medical or teaching institution approved by the State Government for all or any of the purposes of this Act;
- (2) “authorised officer” means an officer appointed under section 4;
- (3) “near relative” means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother and sister, and includes any other person who is related to the deceased—
 - (a) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship; or
 - (b) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees.

Explanation.—The expressions “Lineal and collateral consanguinity” shall have the meanings assigned to them respectively in sections 25 and 26 of the Indian Succession Act, 1925;

- (4) “prescribed” means prescribed by rules made under this Act;
- (5) “State Government” means the Administrator of Himachal Pradesh;
- (6) “unclaimed body” means the body of a deceased person who has no near relative or whose body has not been claimed by any of his near relatives within such period as may be prescribed.

3. Doubt or dispute as to near relative to be referred to authorised officer.—If any doubt or dispute arises whether a person is a near relative of the deceased, the matter shall be referred to the authorised officer whose decision on such reference shall be final and conclusive.

4. Power to appoint authorised officers.—The State Government may, by notification, appoint for such area as may be specified in the notification, any person to perform the functions of an authorised officer under this Act and the rules made thereunder.

5. Unclaimed dead bodies to be used for therapeutic purposes, anatomical examinations, etc.—(1) Where a person under treatment in a hospital, whether established by or vesting in, or maintained by, the State Government or any local authority, dies in such hospital and his body is unclaimed, the authorities in charge of such hospital shall with the least practicable delay, report the fact to the authorised officer and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for any therapeutic purpose or for the purpose of conducting anatomical examination, dissection, surgical operation or research work.

(2) Where a person dies in a hospital, other than a hospital referred to in sub-section (1), or in a prison and his body is unclaimed, the authorities in charge of such hospital or prison shall with the least practicable delay report the fact to the authorised officer, and such officer shall hand over the unclaimed body to the authorities in charge of an approved institution for any purpose specified in sub-section (1).

(3) Where a person having no permanent place of residence in the area where his death has taken place dies in any public place in such area and his body is unclaimed, the authorised officer of that area shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for any purpose specified in sub-section (1).

6. Penalty.—Whoever with the intention of defeating the provisions of this Act, disposes of, or abets the disposal of, an unclaimed body save as permitted by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose, specified in this Act, shall, on conviction, be punishable with fine which may extend to two hundred rupees.

7. Duty of police and other officers to assist in obtaining possession of unclaimed bodies.—All officers of the departments of Police and Public Health and all officers in the employ of a local authority and all village officers shall be bound to take all reasonable measures to assist any authority or officer authorised under this Act to obtain the possession of an unclaimed body.

8. Protection of person acting under the Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

9. Officers to be public servants.—All officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

10. Rules.—(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the period within which a near relative shall claim the body of a deceased person.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the legislature requires any modification in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Simla-4, the 25th April, 1966

No. 6-13/66-LR.—In pursuance of sub-rule 2 of rule 157 of the Rules of Procedure and Conduct of the Himachal Pradesh Legislative Assembly, 1964 read with section 25 of the Government of Union Territories Act, 1963 (No. 20 of 1963) "The Himachal Pradesh Consolidation of Holdings Bill, 1966 (Bill No. 2 of 1966)" as passed by the Legislative Assembly of the Himachal Pradesh having received the assent of the President on 30th March, 1966 is published as Act No. 5 of 1966 in the Himachal Pradesh Government Gazette for general information.

THE HIMACHAL PRADESH CONSOLIDATION OF HOLDINGS (AMENDMENT) ACT, 1966

(ACT No. 5 OF 1966)

AN

ACT

to amend the Himachal Pradesh Consolidation of Holdings Act, 1953 (10 of 1954)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventeenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Consolidation of Holdings (Amendment) Act, 1966.

(2) It shall come into force at once.

2. Amendment of section 2.—After clause (3) of section 2 of the Himachal Pradesh Consolidation of Holdings Act, 1953 (10 of 1954) (hereinafter referred to as the principal Act) the following clause shall be inserted, namely:—

“(3a) ‘Director of Consolidation’ means an officer appointed by the State Government under section 35 to perform the duties and exercise the functions of a Director of Consolidation under this Act;”

3. Amendment of section 17.—In sub-section (4) of section 17 of the principal Act, for the words “State Government” wherever they occur, the words “Director of Consolidation” shall be substituted.

Simla-4, the 25th April, 1966

No. 6-24/65-LR.—In pursuance of sub-rule 2 of rule 157 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 read with section 25 of the Government of Union Territories Act, 1963 (No. 20 of 1963) “The Himachal Pradesh Abolition of Tax Mutarfa Bill, 1966 (Bill No. 3 of 1966)” as passed by the Legislative Assembly of the Himachal Pradesh having received the assent of the President on the 2nd April, 1966 is published as Act No. 6 of 1966 in the Himachal Pradesh Government Gazette for general information.

THE HIMACHAL PRADESH ABOLITION OF TAX MUTARFA ACT, 1966

(ACT No. 6 OF 1966)

AN

ACT

to abolish Tax Mutarfa in Bilaspur district of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventeenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Himachal Pradesh Abolition of Tax Mutarfa Act, 1966.

2. Definition.—In this Act, the expression 'Tax Mutarfa' means a tax by whatever name called, realized annually at different rates from different traders and professionals in Bilaspur district of Himachal Pradesh in pursuance of Rules, dated the 20th Bhadon, Sammat 1998 made by the Durbar of the erstwhile Bilaspur State.

3. Abolition of Tax Mutarfa.—Tax Mutarfa is hereby abolished from the date on which this Act shall come into force.

4. Repeal.—The Rules, dated the 20th Bhadon, Sammat 1998 as mentioned in section 2 are hereby repealed:

Provided that this repeal shall not affect any action taken or Tax Mutarfa imposed and realized under the Rules hereby repealed, before the enforcement of this Act.

NARBIR SINGH,
Under Secretary (Judicial).

